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July 10, 2024

Hon. Jennifer L. Rochon  
United States Courthouse  
500 Pearl Street  
New York, New York 10007

Re: *FD Special Opportunities V, LLC et al v. Silver Arch  
Capital Partners LLC et al, 21-cv-00797(JLR-OTW)*

Dear Judge Rochon:

We represent Plaintiffs FD Special Opportunities V, LLC and FD GP Investment, LLC (collectively, "FD") in the above-referenced litigation. We are writing, jointly, with counsel for Defendants Silver Arch Capital Partners LLC ("SACP"), Jeffrey Wolfer and Matt Cole, to request additional time for the submission of the Joint Pretrial Order, as well as the other filings due contemporaneously with the Pretrial Order pursuant to the Court's rules.

Counsel for all parties have been working together in a diligent effort to prepare and complete the Joint Pretrial Order and related filings in accordance with Your Honor's Individual Rules of Practice in Civil Cases. While we have been endeavoring to complete that process by July 12<sup>th</sup>, we believe we will need additional time in order to do so and provide all of the items and details required. Among other things, the extension will allow the parties to reach agreement on issues (e.g., exhibits and jury instructions) that would otherwise need to be presented to the Court for resolution.

Accordingly, we are respectfully requesting an extension of 12 days (until July 24, 2024), or such other time as the Court may deem appropriate, in order to comply with all prerequisites for the Joint Pretrial Order, as well as the other filings due contemporaneously with the Pretrial Order.

At the same time, given the time and expense involved in that effort and the anticipated costs of trial, we have taken this opportunity to revive settlement discussions in order to determine whether there is a path towards resolution of this litigation. The additional time will afford us an opportunity to determine whether these discussions will prove fruitful and obviate the need for both the Pretrial Order and eventual trial.

Respectfully,

/s/ Christopher M. Scaperlanda

Christopher M. Scaperlanda, admitted pro hac vice  
Alex Duncan, admitted pro hac vice  
Jennie Mook, admitted pro hac vice  
McAfee & Taft, A PROFESSIONAL CORPORATION

The request is GRANTED. The joint pretrial filings shall be due by July 24, 2024.

Dated: July 11, 2024  
New York, New York

**SO ORDERED.**

A handwritten signature in blue ink that reads "Jennifer Rochon".  
**JENNIFER L. ROCHON**  
United States District Judge

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